

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: November 16, 2011

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. New Blacksburg High School Property

(1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Economic Development Alliance (NRV)
2. Library Board
3. Pepper's Ferry Regional Wastewater Treatment Authority
4. Social Services Board
5. Board of Zoning Appeals

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. DELEGATION

A. VIRGINIA DEPARTMENT OF TRANSPORTATION

David Clarke, VDOT Maintenance Manager, will update the Board of Supervisors on road issues/concerns in Montgomery County. See TAB A for a copy of VDOT's report.

B. MONTGOMERY-FLOYD REGIONAL LIBRARY

Paula Alston, Library Director, will present MFRL's Annual Report and Strategic Plan.

VIII. PUBLIC HEARING

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearing was advertised on Sunday October 30, 2011 and November 6, 2011 in the BURGHS Section of the Roanoke Times:

Proposed Ordinance to Amend Chapter 2, Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped

An Ordinance Amending Chapter 2, Division 5, Section 2-107 of the Code of the County of Montgomery, Virginia Entitled Tax Exemption and Deferrals for Elderly and Handicapped by Increasing the Net Combined Financial Worth and the Income Limits to be Eligible for Relief. See TAB **B** .

IX. PUBLIC ADDRESS

X. ADDENDUM

XI. CONSENT AGENDA

XII. OLD BUSINESS

A. SUBJECT: ORDINANCE – AFD #1 RENEWAL

ORD-FY-12- AN ORDINANCE RENEWING AGRICULTURAL AND FORESTAL DISTRICT (AFD-1) PRICES FORK IN THE PRICES FORK MAGISTERIAL DISTRICT CONSISTING OF APPROXIMATELY 1177.678 ACRES WITHIN MONTGOMERY COUNTY, VIRGINIA

WHEREAS, Walter J. Simpkins; Garth L. Wilkes; Daniel T. Frith, III, James L. McDonald; Joseph Lee Wall; and Charles McDonald Wall; have filed applications for the renewal of AFD-1 on May 4, 2011, which Agricultural and Forestal District was created by an ordinance adopted on the 11th day of February, 1980; renewed by an ordinance adopted on the 12th day of October, 1987, and renewed by an ordinances adopted on the 10th day of October 1995, and the 14th day of October 2003.

WHEREAS, The existing AFD-1 members were notified by U.S. Mail concerning the renewal of the current term and asked to file an application to continue the district; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on July 27, 2011; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on September 28, 2011 and October 5, 2011 in the News Messenger, newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on October 12, 2011; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on October 12, 2011; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on October 24, 2011.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

1. That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.
2. That this Agricultural and Forestal District, AFD-1, has been reviewed and is hereby continued and renewed for a term of eight years terminating on December 31, 2019, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.
3. That said District as renewed shall consist of approximately 1,177.678 acres in the Prices Fork Agricultural and Forestal District of Montgomery County, and shall include the following parcels:

PARCEL #	TAX_MAP_ID	OWNER1	OWNER2	ACRES
017460	026- A 5	SIMPKINS WALTER J	SIMPKINS BETTY JO	128.65
017461	026- A 6	SIMPKINS WALTER JAMES		62.59
013001	039- A 3	WILKES GARTH L	WILKES BARBARA J	321.49
006724	026- A 1	FRITH T DANIEL III	ETAL	102.90
012264	039- A 13,13A,23*	MCDONALD MARTHA B		153.66
020290	039- A 14,16	WALL JOSEPH LEE		69.54

020289	039- A 17	WALL JOSEPH LEE		26.46
015075	052- A 1	WALL JOSEPH LEE	CUSTER CATHY	12.20
020269	052- A122	WALL SARAH M LIFE ESTATE	C/O CHARLES MCDONALD WALL	132.45
020271	052- 6 4	WALL SARAH M LIFE ESTATE	C/O CHARLES MCDONALD WALL ETAL	12.83
020272	052- 6 3A	WALL SARAH M LIFE ESTATE	C/O CHARLES MCDONALD WALL ETAL	30.00
020268	052- A119	WALL SARAH M LIFE ESTATE	C/O CHARLES MCDONALD WALL ETAL	41.18
020270	052- A100	WALL SARAH M LIFE ESTATE	C/O CHARLES MCDONALD WALL ETAL	64.00
020273	52-A-138	WALL SARAH M LIFE ESTATE	C/O CHARLES MCDONALD WALL ETAL	19.72
TOTAL ACREAGE				1177.68

4. That these parcels qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
5. That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
6. That lawful termination of any owner's association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.
7. That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are consistent with the Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.
8. That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance.
9. That the landowners of said District who do not already have either a conservation plan for agricultural and or a forestry management plan for forest lands shall apply to the appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption.

ISSUE/PURPOSE: Renewal of AFD #1 for another eight years.

B. SUBJECT: ORDINANCE – AFD #15 RENEWAL

**ORD-FY-12
AN ORDINANCE RENEWING
AGRICULTURAL AND FORESTAL DISTRICT (AFD-15) TAYLOR HOLLOW
CONSISTING OF APPROXIMATELY 352.662 ACRES
IN THE MOUNT TABOR MAGISTERIAL DISTRICT
WITHIN MONTGOMERY COUNTY, VIRGINIA**

WHEREAS, Larry Linkous and Antonio Perez; have filed applications for the renewal of AFD-15 on May 4, 2011, which Agricultural and Forestal District was created by an ordinance adopted on the 10th day of October, 1995; renewed by an ordinance adopted on the 14th day of October, 2003.

WHEREAS, The existing AFD-15 members were notified by U.S. Mail concerning the renewal of the current term and asked to file an application to continue the district; and

WHEREAS, The applications were referred to the Agricultural and Forestal District Advisory Committee and said Committee has reviewed the application and reported its findings and recommendations on July 27, 2011; and

WHEREAS, The Planning Commission did publish notice of the pendency of the applications on September 28, 2011 and October 5, 2011 in the News Messenger, newspaper of general circulation within Montgomery County, Virginia; and

WHEREAS, The Planning Commission held a public meeting on October 12, 2011; and

WHEREAS, The Planning Commission forwarded the applications with its findings and recommendation for approval to the Board of Supervisors on October 12, 2011; and

WHEREAS, The Board of Supervisors after proper notice, held its public hearing on October 24, 2011.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, as follows:

1. That the conservation, protection and encouragement of the development and improvement of its agricultural and forestal land for the production of food and other agricultural and forestal products is vital to the public interest, and that the conservation and protection of these lands as a valued natural and ecological resource as well as economic and environment resource of major importance is also in the public interest.
2. That this Agricultural and Forestal District, AFD-15, has been reviewed and is hereby continued and renewed for a term of eight years terminating on December 31, 2019, in accordance with the provisions of Title 15.2, Chapter 36, Sections 15.2-4300 through 15.2-4314 Code of Virginia, 1950, as amended.
3. That said District as renewed shall consist of approximately 352.662 acres in the Taylor Hollow Agricultural and Forestal District of Montgomery County, and shall include the following parcels:

PARCEL_ID	TAX_MAP_ID	OWNER1	OWNER2	ACRES
005843	043- A 13	PEREZ ENRIQUE	PEREZ ANTONIO III	30
005801	043- A 30	PEREZ ENRIQUE	PEREZ ANTONIO III	75.03
014292	043- A 9	PEREZ ENRIQUE	PEREZ ANTONIO III	117
005798	056- A 6	LINKOUS LARRY J	LINKOUS TAYLOR E	127.833
019705	44-A-77	PEREZ ENRIQUE		2.802
TOTAL ACREAGE				352.662

4. That these parcels qualify for land use value assessment provided the parcels meet the criteria of Section 58.1-3230 and 58.1-3233 of the Code.
5. That the owners of land within said District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.
6. That lawful termination of any owner's association of the District shall not serve to terminate the existence of the District but the District shall continue in effect until the review required by Section 15.2-4311 of the Code.
7. That all County ordinances and regulations shall be applicable within said District; provided, such ordinance and regulations are consistent with the Agricultural and Forestal Districts Act. Further the Planning Commission is hereby advised that it is the intent of the Board of Supervisors that land use planning decisions or ordinances enacted to implement same shall take into account the special status of both land adjacent to said District and land lying within said District.
8. That an exception for secondary roads either within or along the boundary of said District is hereby created and consequently, there is hereby excepted

from said District a strip of land extending twenty-five (25) feet on both sides of the center line of all existing secondary roads within or along the boundary of said District from this ordinance.

9. That the landowners of said District who do not already have either a conservation plan for agricultural and or a forestry management plan for forest lands shall apply to the appropriate agency for the preparation of such a plan within one year of the establishment of the district.

This ordinance shall take effect upon its adoption.

ISSUE/PURPOSE: Renewal of AFD #15 for another eight years.

XIII. NEW BUSINESS

A. SUBJECT: CONSERVATION EASEMENT FUNDS

R-FY-12- A RESOLUTION APPROVING THE FUNDING REQUEST BY THE VIRGINIA OUTDOORS FOUNDATION AND THE NEW RIVER LAND TRUST OF \$78,000 FROM THE MONTGOMERY COUNTY ACQUISITION FUND FOR CONSERVATION EASEMENT

WHEREAS, On February 8, 2010, the Board of Supervisors approved providing \$78,000 from the Montgomery County Acquisition Fund for Conservation Easements to the Virginia Outdoor Foundation (“the VOF”) and the New River Land Trust (“the NRLT”) to be used along with other funds to purchase a conservation easement on a 245 acre farm owned by Kathleen Grubb in the Catawba Valley area of Montgomery County; and

WHEREAS, The County was notified by the NRLT that the \$78,000 previously approved by the Board was not used due to the property owner deciding to not place the conservation easement on the 245 acre farm; and

WHEREAS, With the return of the \$78,000 previously approved for the Grubb property, there is a current balance of \$128,538 in the Montgomery County Acquisition Fund for Conservation Easements; and

WHEREAS, The VOF and the NRLT have made a new request for the County to provide \$78,000 from the County Acquisition Fund for Conservations Easements to be used by the Virginia Land Conservation Fund (VLCF) in order to

purchase a conservation easement on 69 additional acres for a total of 230 acres which includes all or a portion of Tax Parcels 71-A-13, 16, 58*; 71-A-3 and 58-A-55, 55A, 55* ("the Property") owned by Julia Stewart Milton in the Pedlar Hills area near Ironto in Montgomery County; and

WHEREAS, The Property is comprised of forested steep mountain land that lies within a Montgomery County Agricultural Forestal District and is designated Resource Stewardship in the Montgomery County 2025 Comprehensive Plan and is very near other conservation lands permanently protected by conservation easements; and

WHEREAS, The purchase of the conservation easement on this Property will benefit all County residents by preserving the scenic landscape and rural character of the area and by reducing the costs of providing governmental services to rural areas.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the \$78,000 funding request from VOF and NRLT from the County Acquisition Fund for Conservation Easements to be used by VLCF along with other funding in purchasing a conservation easement on 230 acres owned by Julia Stewart Milton in the Pedlar Hills area near Ironto in Montgomery County conditioned upon the required additional funding to purchase the entire 230 acres being made available to VLCF and obtaining the final approval by the Owner Julia Stewart Milton to place the conservation easement on the Property.

ISSUE/PURPOSE: Approve request from the VOF and NRLT from the County Acquisition Fund for Conservation Easements.

JUSTIFICATION: The VOF and NRLT are working with a property owner in the Pedlar Hills area of Montgomery County to place a conservation easement on the property. The Virginia Outdoor Foundation (VOF) and the New River Land Trust (NRLT) the County's Acquisition Fund for Conservation Easements to be used for leverage in applying for a grant from the USDA Federal Farm and Ranchland Protection. The VOF estimates the total cost of the easement to be approximately \$145,462. See TAB E.

**B. SUBJECT: RESOLUTION OF COMMEMORATION
KAREN FREDERICK**

**R-FY-12-
RESOLUTION OF COMMEMORATION
KAREN FREDERICK
MONTGOMERY-FLOYD REGIONAL LIBRARY BOARD**

WHEREAS, The recent death of *Karen Frederick* has touched and saddened all those who knew and loved her; and

WHEREAS, *Karen Frederick* was an employee of the Montgomery-Floyd Regional Library system from 1987 until 2006 when she retired; and

WHEREAS, *Karen* served as a member of the Montgomery-Floyd Regional Library Board from 2006 – 2011; and

WHEREAS, Because of her insight as a former employee, *Karen Frederick* provided much corporate knowledge and was a strong supporter of the Montgomery-Floyd Regional Library system; and

WHEREAS, *Karen Frederick* will be greatly missed and lovingly remembered by those who knew her.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby express its deepest condolences and most heartfelt sympathy to the many friends and loved ones of *Karen Frederick*.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the family of *Karen Frederick* and that a copy be made a part of the official minutes of Montgomery County, that her memory may be so honored and ever cherished.

ISSUE/PURPOSE: Resolution of Commemoration.

XIV. COUNTY ATTORNEY'S REPORT

XV. COUNTY ADMINISTRATOR'S REPORT

1. Parks and Recreation Football
2. Rating Agency Reports

XVI. BOARD MEMBERS' REPORTS

1. Supervisor Creed
2. Supervisor Brown
3. Supervisor Biggs
4. Supervisor Perkins
5. Supervisor Marrs
6. Supervisor Muffo
7. Supervisor Politis

XVII. OTHER BUSINESS

XVIII. ADJOURNMENT

FUTURE MEETINGS

Adjourned Meeting
Monday, November 28, 2011
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting

Special Meeting
Thursday, December 8, 2011
6:00 p.m.

Regular Meeting
Monday, December 12, 2011
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting